

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACOB PEREZ,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner, Social Security Administration,

Defendant.

**MEMORANDUM OPINION
AND ORDER**

14 CV 9733 (VB)

Briccetti, J.:

Plaintiff Jacob Perez, proceeding pro se and in forma pauperis, brings this action pursuant to section 205(g) of the Social Security Act (the “Act”), 42 U.S.C. § 405(g), seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying plaintiff’s application for supplemental security income benefits (“SSI”).

Before the Court is Magistrate Judge Judith C. McCarthy’s Report and Recommendation (“R&R”), dated July 21, 2016 (Doc. # 25), on defendant’s unopposed motion for judgment on the pleadings to affirm the Commissioner’s decision pursuant to Rule 12(c). (Doc. # 19). Judge McCarthy recommended that the motion be granted and that the case be dismissed with prejudice.

Familiarity with the factual and procedural background of this case is presumed.

For the following reasons, the Court adopts the R&R as the opinion of the Court, grants defendant’s motion, and affirms the decision of the Commissioner without remanding the case for further administrative proceedings, pursuant to 42 U.S.C. § 405(g), sentence four.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate

judge.” 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge’s report and recommendation, but they must be “specific[,] written,” and submitted within fourteen days after being served with a copy of the recommended disposition, Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1), or within seventeen days if the parties are served by mail. See Fed. R. Civ. P. 6(d).

Insofar as a report and recommendation deals with a dispositive motion, a district court must conduct a de novo review of those portions of the report or specified proposed findings or recommendations to which timely objections are made. 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record. See Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). The clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. See Ortiz v. Barkley, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008). Because petitioner is proceeding pro se, the Court “will ‘read [his] supporting papers liberally, and . . . interpret them to raise the strongest arguments that they suggest.’” Id. (quoting Burgos v. Hopkins, 14 F.3d 787, 790 (2d Cir. 1994)).

Neither party objected to Judge McCarthy's thorough and well-reasoned R&R.

The Court has reviewed the R&R, as well as the administrative record upon which it is based, and finds no error, clear or otherwise.

CONCLUSION

Accordingly, the R&R is adopted in its entirety as the opinion of the Court.

Defendant's motion for judgment on the pleadings is GRANTED.

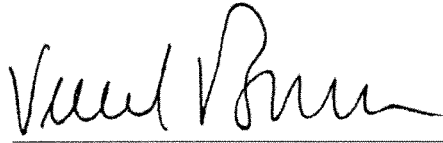
The Commissioner’s decision is affirmed without remanding the case for further administrative proceedings, pursuant to 42 U.S.C. § 405(g), sentence four.

The Clerk is instructed to enter Judgment accordingly and close this case.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Dated: October 11, 2016
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge